

Tribal Monthly Conference Call
Thursday, March 6, 2008
2:00-3:00 EST
Call-in Number (866) 299-3188
Access Code: (919) 541-5624

Tribal Attendees

Bill Campbell
Bill Joseph
Chris Huran
Robin Clark
Mel Joseph
Mary Munn
Maureen King
Amy Awlish
Angela Benedict-Dunn
Mehrdad Khatibi
Chaz Welock
Calvin Fells
Chris Lee
Helen Waqui
Justin Raglin

US EPA Attendees

Julie McClintock
Laura McKelvey
Paul Argyropoulos
Darrel Harmon
Vickey Epps-Price
Melissa McCullough
Nancy Mayer
Bill Johnson
Erika Wilson
Tami Laplante
Katie Sibold

Agenda

Energy Security and Independence Act (ESIA) and the Greenhouse Gases (GHG) Rule

Paul Argyropoulos (argyropoulos.paul@epa.gov) reported on the Biofuel requirements. Originally created as a Presidential Executive Order (EO), Congress passed the ESIA on December 19, 2007. This Act established new definitions of renewable fuels and created several renewable fuel categories. In general, the ESIA is designed to reduce US dependence on oil, particularly foreign oil consumption, by “expanding the production of renewable fuels,” and “setting a national fuel economy standard. [Fact Sheet: Energy Security and Independence Act] By 2022, the ESIA is expected to increase the production of renewable fuels by mandating a “Renewable Fuel Standard (RFS) that requires fuel producers” to convert approximately “36 billion gallons” of fossil fuel usage (e.g., oil) to biofuel (e.g., Ethanol). [Fact Sheet: Energy Security and Independence Act]. This is a significant increase from the amount, 7.5 billion gallons, originally set for 2012. By 2020, a national fuel economy standard of 35 miles per gallon (a 40% increase in current standards) is predicted to save the US “billions of gallons of fuel.” [Fact Sheet: Energy Security and Independence Act]

The ESIA mandates a production threshold required for these renewable fuels within four newly established categories. The four new categories are listed and summarized below.

Renewable Fuel- All fuel subcategories fall under this definition, which is aimed at reducing GHG by converting usage of nonrenewable fuels to renewable (a 36 billion gallons reduction).

1. Ethanol Fuel- These fuels are intended to promote renewable fuels by utilizing bio-based ethanol as a fuel alternative. Corn-derived ethanol is capped at 15 billion gallons, under this rule.
2. Advanced Biofuel- These renewable fuels meet a minimum 50% reduction in GHG emitted over the course of a lifecycle over the baseline.
3. Cellulosic Fuel- These products are intended to achieve an equal or greater than a 60% reduction in GHG over the course of a lifecycle over the baseline.
4. Bio-based-diesel- A specific volumetric quorum, which graduates up from 400 million gallons in 2009 to 1 billion by 2012.

The ESIA greatly expanded the range of renewable fuels subject to the targets beyond gasoline replacements to include diesel fuels and nonroad fuel replacements. While not directly regulated by the program, renewable jet fuel and heating oil can be used by refineries to generate credits that could be counted toward their percentage requirements.

A critical element of the Act is the extensive lifecycle analysis of renewable fuels. The criteria used to evaluate the lifecycle of renewable fuels must insure that the methodology (e.g., data used) and approach (e.g., model used) will be met with satisfaction by stakeholders, such that evaluations of net environmental benefit for renewable fuels are accurate. For example, the law requires that feedstock must be harvested from land that was cleared and cultivated prior to the enactment of the ESIA, because disrupting the natural soil matrix releases significant CO₂. Therefore, no new cropland can be created from forests, prairies, etc. for producing renewable fuel feedstocks. Determining baseline areas under these circumstances is a challenge, as is tracking the source of the feedstock to ensure it meets the cultivation criteria. It is also important to evaluate global market, energy, and emissions impacts of producing the fuels.

EPA is conducting stakeholder meetings on these issues. EPA has also started the implementation process, because the act requires them to increase the volume of renewable fuels from 5.4 to 9 billion gallons, this year. The deadline for completing and submitting the proposal is the end of 2008. The proposal is expected to be final by 2009. Paul will provide a fact sheet on the Act as well as periodic updates on the implementation process.

Atmospheric Programs Update

- Erika Wilson stated that EPA is working with NEDEP and other groups to estimate atmospheric mercury monitoring. The Cherokee Nation will be establishing a site.
- The EPA Clean Air Markets Division will be giving a presentation at the tribal conference on climate change and mercury monitoring.
- A climate change cooperative agreement was awarded to the Arizona Board of Regents on behalf of ITAP to conduct research on climate change impacts in Indian Country and transmit the results to stakeholders.

Mandatory GHG Reporting Rulemaking *(See the March 5, 2008 PowerPoint for more information)*

Erika Wilson (wilson.erika@epa.gov) provided a brief overview of the Mandatory GHG Reporting Rulemaking. The purpose of this rulemaking is “to provide data that will inform and support development of national climate policy” regarding GHGs. The rule is scheduled to be proposed by September 2008 and finalized June 2009.

This rulemaking would only result in reporting requirements. Therefore, participants should not be concerned with triggering New Source Review (NSR). Six GHGs are covered by this rule, including CO₂, CH₄, N₂O, HFC, PFC, SF₆. The rule does not target small emitters, but rather emissions reported by both upstream (e.g., oil and gas refineries) and downstream (e.g., power plants, iron and steel plants, and/or cement) major emitters.

Kitty Sibold (sibold.katherine@epa.gov) mentioned that issues in the rulemaking include how to determine the frequency of submitting reports and setting thresholds for targeted GHG emissions. The rule will be designed to take advantage of existing reporting structures, such as the one in California. She urged involved agencies and Tribal leaders to participate in the rulemaking process and share any comments and/or concerns (e.g., providing information that there are facilities like power plants or landfills emitting GHGs on Tribal land).

OAQPS Update

- Laura McKelvey stated that on March 12th the Ozone NAAQS decision will be announced and posted on the list serve.
- EPA is working on the proposal for the lead NAAQS. Laura suggested that this be an agenda item for the next call.
- Laura reminded the group that the deadline for written comments on the PSD increment modeling rule is April 4, 2008. She asked for comments on her summary of issues identified during the consultation process before she sends it out to the group.
- The Tribal NSR rule will be finalized by Dec 2008. Monthly calls will continue until the rule is final. The next call is scheduled for the last Thursday of the month.
- The PM_{2.5} standards were promulgated in 2007. Letters have gone out to the Tribes from the EPA Regional Administrators requesting designation recommendations. Some responses have been received. If EPA makes designation decisions that do not agree with the recommendations, EPA must consult with the Tribes. If any of the Tribes want to discuss designations, they should contact Laura at (919) 541-5497 or e-mail at mckelvey.laura@epa.gov.

NTF agenda

The 2008 Joint National Tribal Forum/National Tribal Air Association Conference on Air Quality is scheduled for June 3-5, 2008 in Las Vegas, Nevada. It is sponsored by the US EPA and co-hosted by the Tribal Environmental Professionals (ITEP) and NTAA executive

committee. Travel scholarships are available. The deadline to request assistance is April 11, 2008. Attendees that do not need travel assistance must be registered by April 25, 2008. There is no fee to register for the conference and “ITEP will cover hotel and per diem costs for tribal participants on a limited basis (per diem rate \$59/\$99 lodging per day).” [Announcements 2008]

The Mehrdad Khatibi noted that the planning committee is in the process of developing the conference agenda. A draft agenda is outlined below. The agenda is scheduled to be finalized within a few weeks. Once a final draft is created, it will be available on the following websites: www.ntec.org and www4.nau.edu/itep.

2008 Joint National Tribal Forum/National Tribal Air Association Conference Draft Agenda:

June 3: Day 1 is dedicated to discussing national policy and budget issues, including trends in air quality and public health, Tribal air funding, and other air quality rules.

June 4: Day 2 includes a series of approximately 12 concurrent breakout sessions. These sessions will cover topics, including mercury monitoring, QA and data management tools, indoor air quality projects, working with student interns, strategies for outreach and communication, the Woodstove Changeout Program, and upcoming rules and policies.

June 5: Day 3 concludes with a plenary session on issues related to climate change. Tribes and EPA representatives that are interested in speaking on this topic should contact ITEP and/or NTAA representatives.

NTEC/NTAA updates

The next Tribal conference call is scheduled for Thursday, April 3, 2008 at 2:00 pm EST. The lead NAAQS will be on the agenda, but other topics are solicited.

The deadline to nominate someone for the Virgil Masayesva Tribal Air Award is March 7, 2008. The Virgil Masayesva Tribal Air Award “recognize[s] outstanding contributions in support of enhancement and improvements of human health and environmental protection in Indian country.” [Announcements 2008] There is an application form that must be submitted along with the name of the nominee (there is one in the March Tribal Air newsletter).

Sources for Additional Information

- Source: Fact Sheet: Energy Independence and Security Act of 2007. Retrieved on March 6 & 7th, from <http://www.whitehouse.gov/nws/releases/2007/12/print/20071219-1.html>
- Source: Announcements 2008. Retrieved on March 6 & 7th, from <http://www.epa.gov/oar/tribal/announcement.html>